

**AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]**

**Notice of Intended Action**

**Proposing rule making related to noxious weeds  
and providing an opportunity for public comment**

The Agriculture and Land Stewardship Department hereby proposes to amend Chapter 58, “Noxious Weeds,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in 2018 Iowa Acts, House File 2422.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, 2018 Iowa Acts, House File 2422.

*Purpose and Summary*

The proposed amendments establish two priority lists of noxious weeds. One list identifies the noxious weeds for eradication, and the other list identifies the noxious weeds for control.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 21—Chapter 8.

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on December 26, 2018. Comments should be directed to:

Margaret Thomson  
Iowa Department of Agriculture and Land Stewardship  
Wallace State Office Building  
502 East 9th Street  
Des Moines, Iowa 50319  
Fax: 515.281.6236  
Email: [margaret.thomson@iowaagriculture.gov](mailto:margaret.thomson@iowaagriculture.gov)

*Public Hearing*

A public hearing at which persons may present their views orally or in writing will be held as follows:

December 26, 2018  
9 a.m.

Second Floor Conference Room  
Wallace State Office Building  
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule 21—58.1(317) as follows:

**21—58.1(317) Definition. Definitions.** As used in this chapter, “sterile”:

“Class A noxious weed for eradication” means a noxious weed determined by the department to be the highest priority for eradication of existing infestations and prevention of new infestations.

“Class B noxious weed for control” means a noxious weed determined by the department to be a priority for preventing new infestations and stopping the spread of the species.

“Sterile” means any plant or variety that is incapable of reproduction or which is either noninvasive or nonaggressive in that the plant does not spread into areas where it was not initially planted.

ITEM 2. Adopt the following **new** rule 21—58.4(317,87GA,HF2422):

**21—58.4(317,87GA,HF2422) Noxious weed lists.**

**58.4(1)** Class A noxious weeds for eradication. The following weed is included:

- a. Palmer amaranth (*Amaranthus palmeri*).
- b. Reserved.

**58.4(2)** Class B noxious weeds for control. The following weeds are included:

- a. Canada thistle (*Cirsium arvense*).
- b. Teasel (*Dipsacus spp.*) biennial.
- c. Leafy spurge (*Euphorbia esula*).
- d. Bull thistle (*Cirsium vulgare*).
- e. Multiflora rose (*Rosa multiflora*).
- f. European morning glory or field bindweed (*Convolvulus arvensis*).
- g. All other species of thistles belonging in the genera of *Cirsium* and *Carduus*.

ITEM 3. Amend **21—Chapter 58**, implementation sentence, as follows:

These rules are intended to implement Iowa Code section 317.25 and 2018 Iowa Acts, House File 2422.